

# EXHIBIT C

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- Identification of Seized Transceivers

From: CHINESE  
Into: ENGLISH

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We edited the translated text for meaning, accuracy and consistency with the original source text, and we proofread the translated text for spelling and grammatical accuracy.

We hereby certify that to the best of our knowledge, the translation that we have provided is an accurate and faithful translation of the original text provided to us.



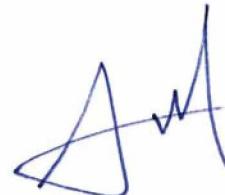
**Eda Gokbay** | Senior Project Manager  
Link Translations, Inc. - ATA #270252

**State of New York  
County of New York**

SWORN TO BEFORE ME THIS  
15th day of April, 2020

EVREN AY  
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LIC. #01AY6383080  
COMMISSION EXPIRES 11/13/2022

#38656



(Notary Public)

# Identification of Seized Transceivers for the “Sales of Counterfeit Products by Chengyu Gang in Beijing Case”

## I. Identification results

Transceivers seized from the “Sales of Counterfeit Products by Chengyu Gang in Beijing Case” were compared in terms of product packaging and product appearance with authentic H3C products. It has been found out that the vast majority of the seized transceivers are different from our genuine ones. The identification results conclude trademark infringement with details as follow:

## II. Identification contents

### A. Product packaging comparison

#### 1. Outer packaging of authentic H3C:

The outer packaging of H3C transceiver is in red and white, shingled boxes. Inside the box, there is a red shockproof and antistatic foam. The transceiver is placed in a folded silver antistatic bag according to the antistatic process requirements. The packing box and the anti-static bag are both sealed with glue. See the images for details:

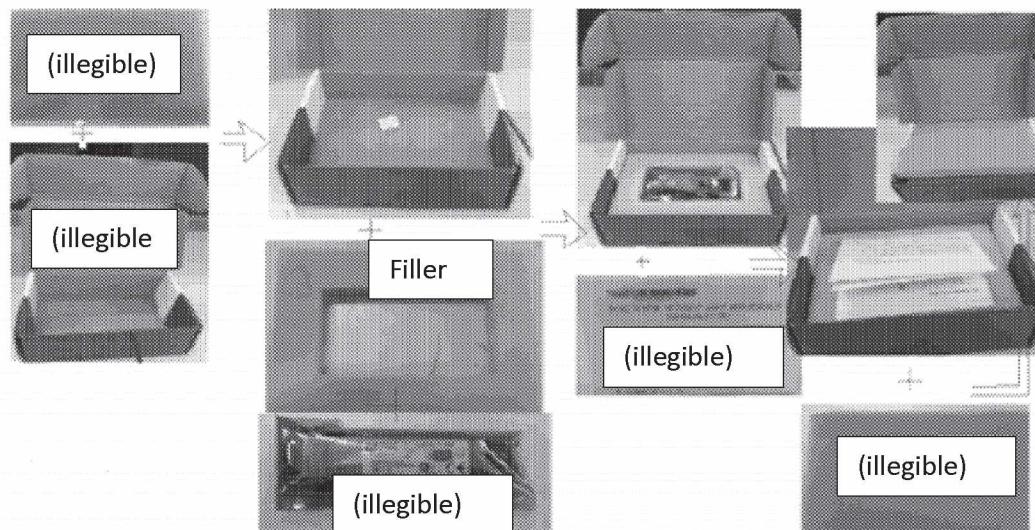


Image (1) Diagram of Authentic H3C Transceiver Packaging



The authentic packaging is folded from red line 1 and line 2 and then sealed with black gridding

Image (2) Anti-static bag of authentic transceiver

## 2. Outer packaging of the authenticated products

The seized items do not have the outer packaging box, shock-proof and anti-static filling foam or anti-static plastic bag that meet the H3C process standards. Instead, dozens of bare transceivers are put together in a bubble bag, loaded into a stripped box. It is completely different from the outer packaging, transportation environment and product packaging of the authentic ones. See the images for details:

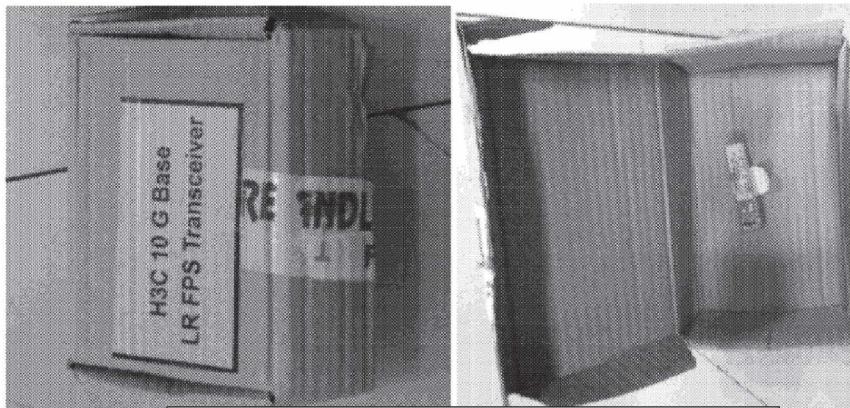


Image (3) Outer packaging of the seized items

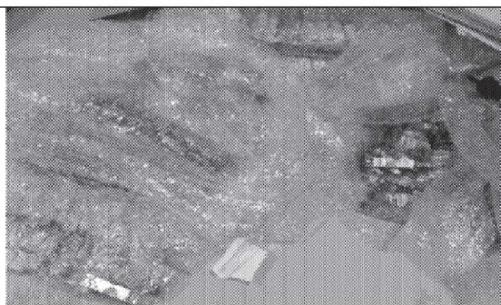


Image (4) Packaging materials of the seized items

## B. Product appearance comparison

### 1. A large number of the seized items are different in external appearance from our authentic transceivers

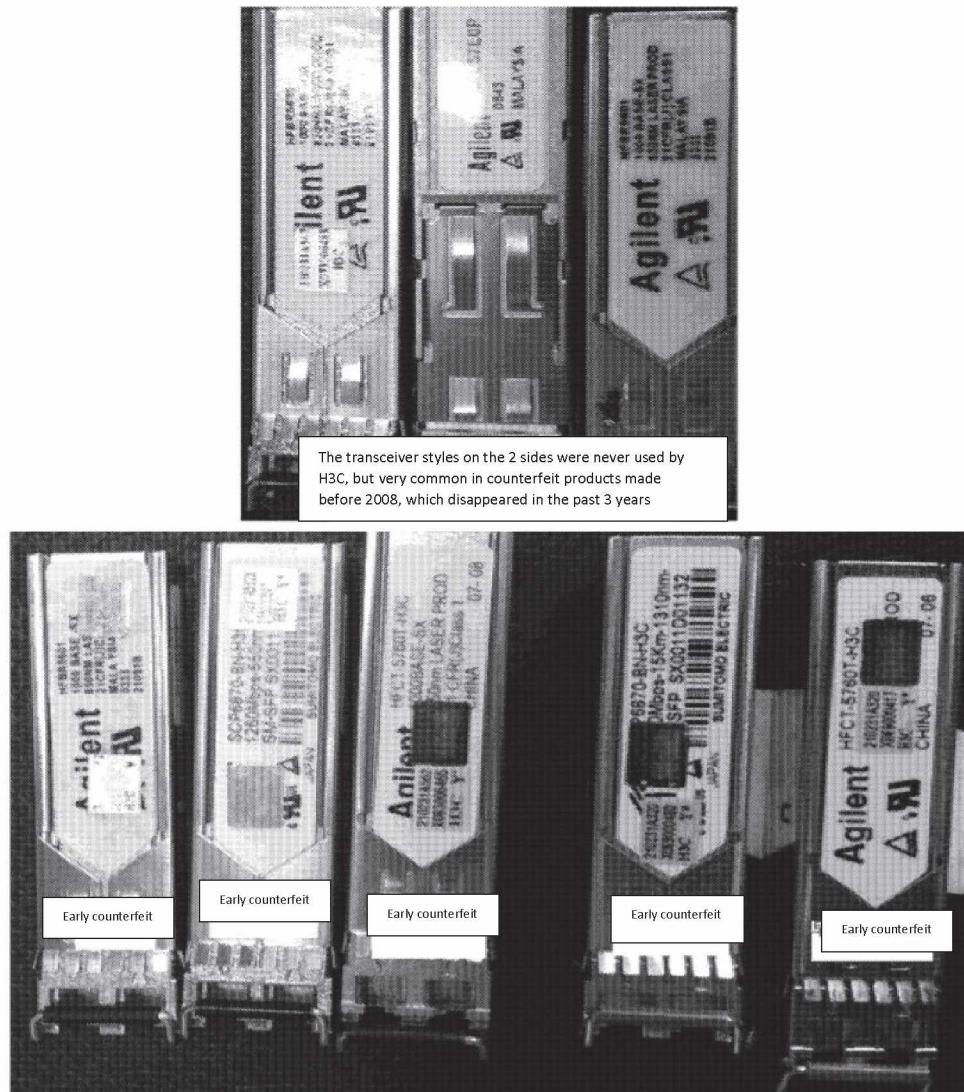


Image (5) The seized items are different in external appearance from the authentic ones (common counterfeits before 2008)

## 2. A large number of the seized items have different labels from our authentic transceivers

### (1) Locations are labels are inconsistent and vary from one another

H3C has strict technical standards and requirements for barcode labels and anti-counterfeit labels which are placed on the products on standard product lines by trained workers, hence the placing of the same model is consistent. In addition, labels of H3C transceivers are one-off, invalidated once ripped off and can't be relabeled in a complete fashion elsewhere.

However, the labels of the seized items are in inconsistent locations and placements that vary from one another. See the images for details:

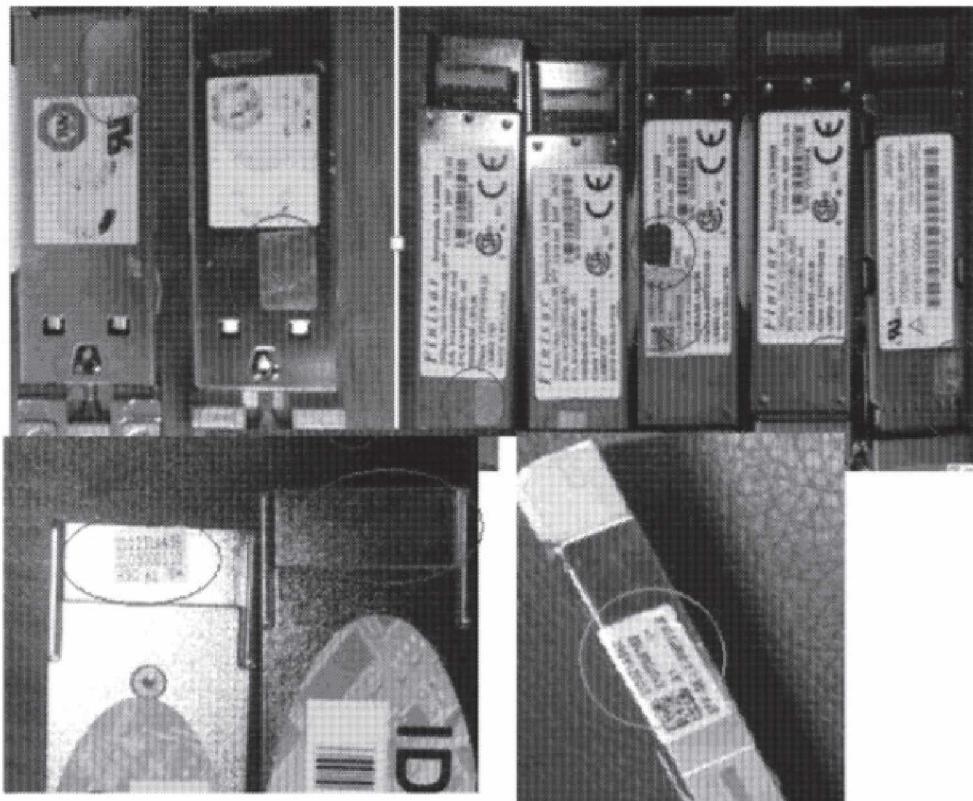


Image (6) Unorderly placing of labels on the seized products

Judging from the placing of labels (including anti-counterfeit labels), these are produced by unqualified people who are unfamiliar with H3C technologies and processes.

### (2) Different fraudulent anti-counterfeit labels on the seized products

Authentic H3C anti-counterfeit labels are brightly colored with different numbers of dots in view from different angles and "H3C" in the very center. See the image for details:

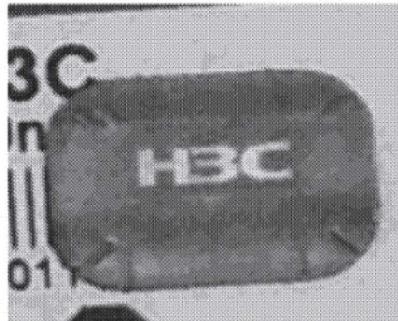


Image (7) Authentic anti-counterfeit label with "H3C" in the very center

However, the sized products have various flaws in anti-counterfeit labels with details as follow:

A) The logo of H3C is printed as "H.3C" (this type of fraudulent labels is commonplace in the products seized by police in the Beijing Longgu Technology Development Limited Company case at the end of 2012 in Beijing)

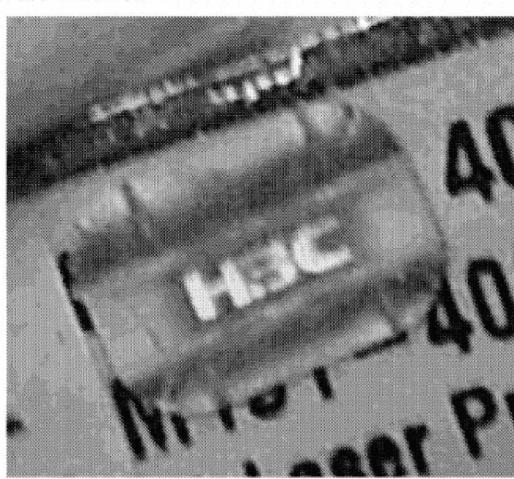


Image (8) H.3C anti-counterfeit label

B) The surfaces of the anti-counterfeit labels on a large number of sized products faded and dull in color. See the image for details.

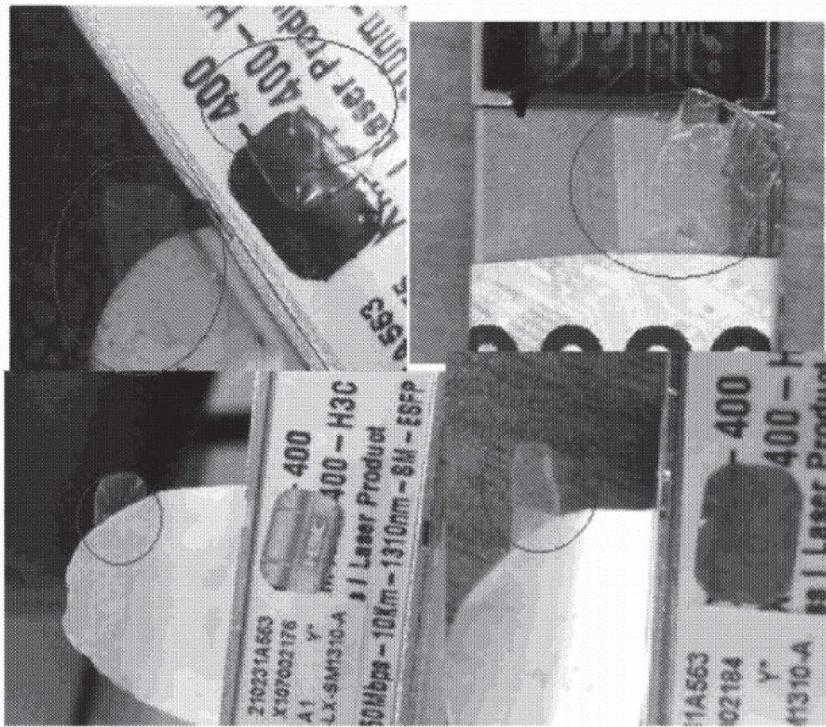


Image (9) The surfaces of the anti-counterfeit labels faded

3) The "H3C" logos on the anti-counterfeit labels on a large number of seized products are not centered. See the image for details.

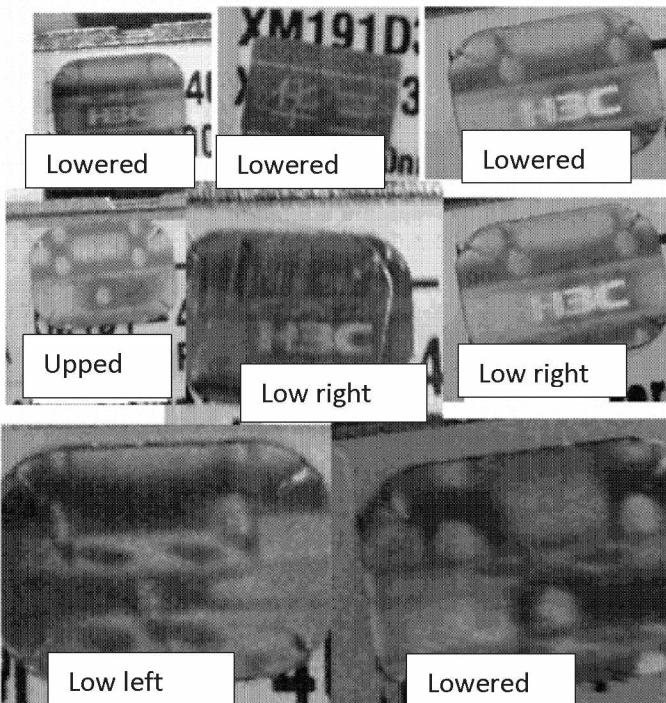


Image (10) H3C logos are not centered on the anti-counterfeit labels

Basically, all of the more than 700 seized transceivers have one or multiple of the above abnormalities (inconsistency with the original products). Due to limited identification time, the accurate statistics of the above various abnormalities are not summarized. However, this does not affect the overall identification conclusion of the seized products, that is, the above labels (including anti-counterfeit labels) are abnormal, which is sufficient enough to determine that at least most of these seized transceivers are counterfeit H3C products.

**3. The seized products do not have an "Installation and Operation Manual" and authentic products come with such user manuals.**

**4. The seized products have other problems that affect their performance**

1) The word "defective" is written on some of the seized transceivers.



Image (11) The word “defective” is written on the transceiver

- 2) The covers of some of the seized transceivers dropped and some items are with unknown producer labels and logos. See the image for details.

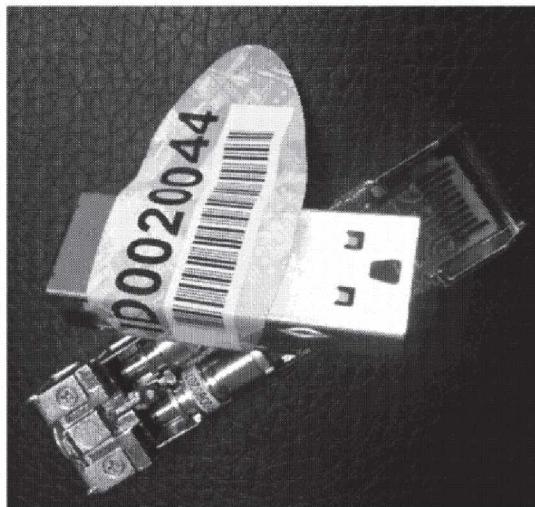


Image (12) The casing of the transceiver is removed; unknown producer label and logo

- 3) Many of the seized products have oxidized / rusted casings

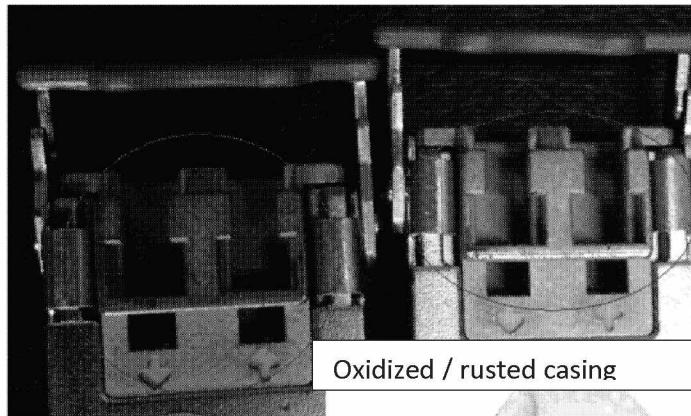


Image (13) Oxidized / rusted casing of transceivers

4) Unknown stains on the cages of many seized products which might be caused during equipment modification.

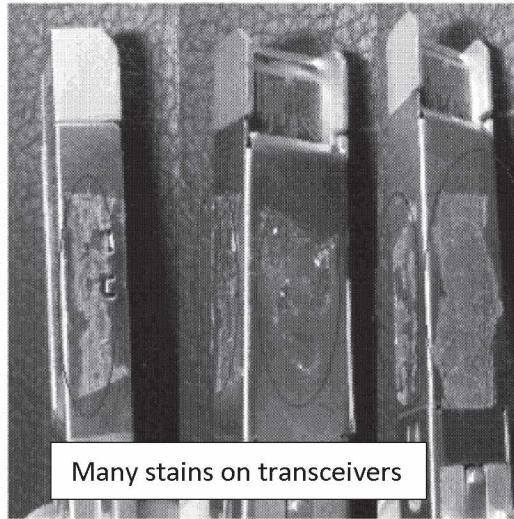


Image (14) Stains on transceivers

### III. Special Notes:

The identification is limited by hardware conditions such as the network test environment with temporarily constructed switch on site, so no further testing of the electrical performance of the seized products was conducted. Judging from the physical characteristics of a large number of tested items, one can conclude that the batch of seized product has different external appearances

with various counterfeiting tracks. It is pointless to test the electrical performance of these obvious counterfeits; hence these were not conducted on the seized products.

Electrical performance testing for transceivers has two purposes: first, to check whether the electrical performance is qualified; second, to view the written product characteristic fields in the memory.

1. There are many similar transceivers on the market, most of which (even including some counterfeit H3C transceivers) can pass the electrical performance test. Hence passing the electrical performance test does not necessarily prove the authenticity of a product. It is just like a fake branded TV can still function as a TV.

2. Theoretically and in the practice of anti-counterfeiting, it has been proved that the product characteristic fields in the memory of the transceivers may be rewritten by a counterfeiter through a hacker-like method. And the characteristics of the software make such rewriting traceless unlike label fraud where a slight difference can always be spotted.

Due to the aforementioned two reasons, electrical performance testing cannot be used to determine the authenticity of a product. Hence, we did not conduct such tests.

#### 4. The batch of seized products constitutes trademark infringement and may cause negative social impacts

The batch of seized products obviously constitutes trademark infringement with no guaranty for quality or functions. Once in the society, it shall infringe the interests of consumers, the intellectual property rights of H3C, and even cause immeasurable losses and great consequences to the country, society and economical development.

##### 1. From the social perspective:

As a "gateway" between network communication devices, transceivers play an important role in the conversion of photoelectric signals, and are called the hub of the information highway. If the performance of the transceiver is unqualified, or the performance is unstable, its breakdown will directly cause extensive equipment communication failures (also known as gateway shutdowns) to the network equipment. The seized products contain a large number of 10 Gigabit transceivers. Such transceivers are generally used in the construction of large network backbone routes, such as the national "Golden Bridge, Golden Card, Golden Gateway" project, municipal bullet train projects, aviation projects, the financial system and the higher education system etc. If a counterfeit transceiver with no quality guarantee is used, its breakdown will cause communication interruption in the backbone network. In case of a special period (such as natural disasters, emergency handling, etc.), such breakdowns will cause significant losses, bring about negative social impact, and undermine social stability.

##### 2. From the perspective of business operation:

In the internet era, a network shackle that may be caused by using counterfeit transceivers can lead to loss of financial information, important scientific research results and customer information which shall result in significant losses to the businesses. At the same time, it will also bring significant economic

losses to H3C and cause significant damage to the brand reputation of H3C, which is far higher than the market price of counterfeit modules.

Confidential

DEF0002817

# 对“北京程于团伙售假案件”查扣光模块鉴定材料

## 一、 鉴定结论

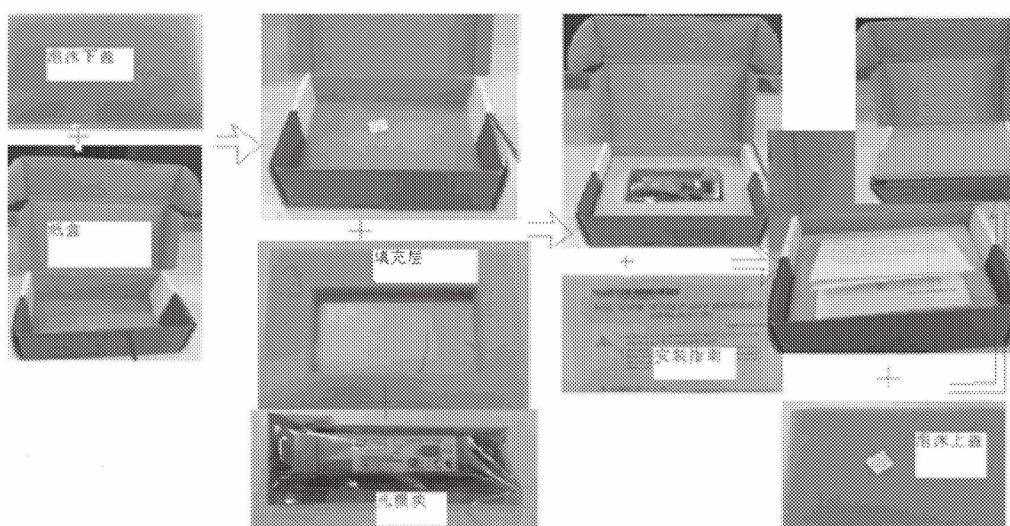
对“北京程于团伙售假案件”查扣光模块从产品包装、产品外观两个方面与H3C正品进行了逐一比对。经鉴定，所查扣光模块绝大多数与我司正品存在明显差异。鉴定结果为商标侵权。具体如下：

## 二、 鉴定内容

### (一) 产品包装比对

#### 1、H3C产品外包装情况：

H3C品牌光模块外包装为红白相间带瓦楞纸盒。包装盒内装有红色防震、防静电泡棉。光模块按照防静电工艺要求放在折叠的银色防静电袋中。包装盒及防静电袋各自有封口胶进行封口。具体见图示：



图(1) H3C正品光模块包装示意图



图 (2) H3C 正品光模块防静电袋

## 2、被鉴定物品外包装情况：

扣押产品没有华三产品工艺标准的外包装盒、防震防静电泡棉填充材料、防静电胶袋。而是将几十个裸露的光模块放在一个气泡袋中，然后再装入一个麻粉纸盒里面。与正品的外包装及运输环境、产品包装完全不同。具体见图示：

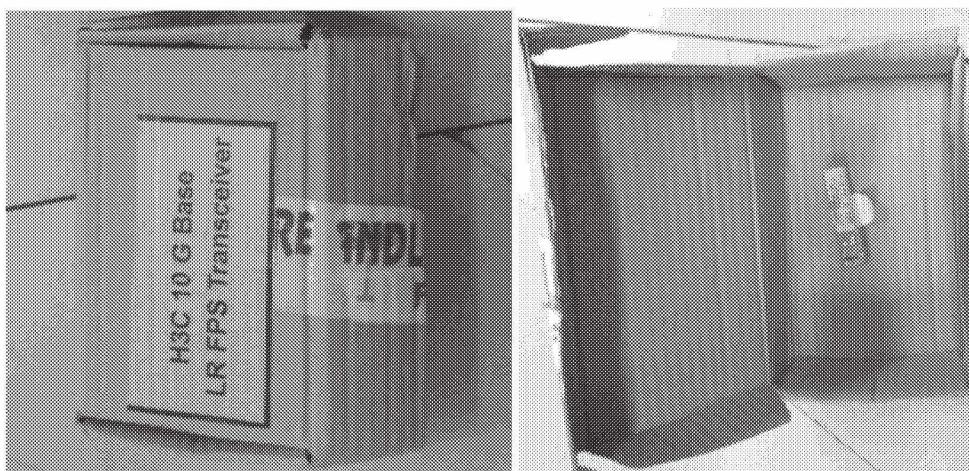


图 (3) 扣押产品的外包装

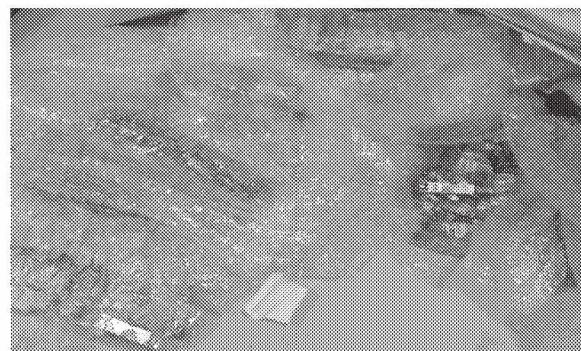


图 (4) 扣押产品的包装材料

## (二) 产品外观对比

### 1、大量查扣产品与我司光模块正品本体外表不一致

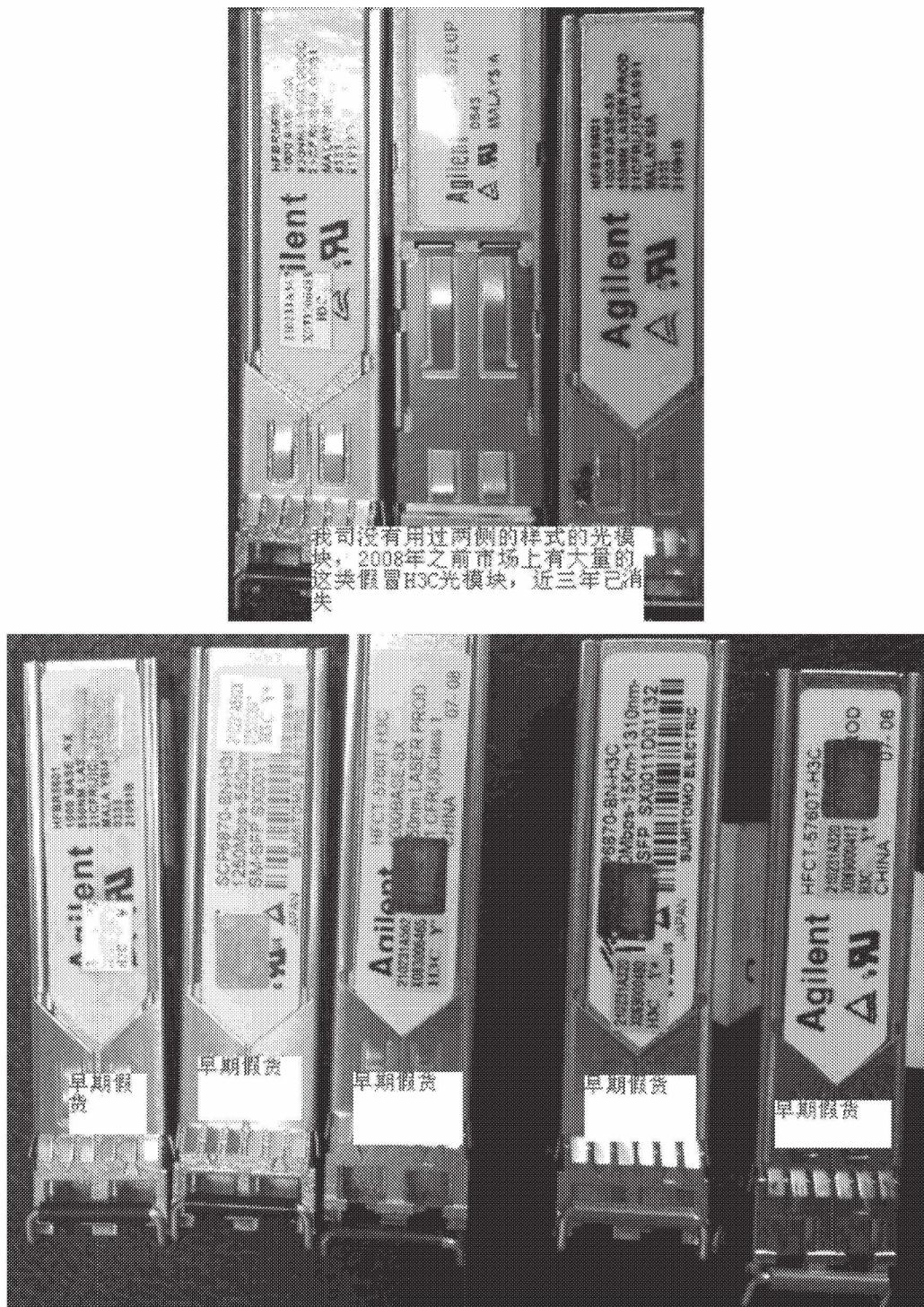


图 (5) 扣押产品与正品模块外观不同 (2008 年前这样的假货较多)

## 2、大量查扣产品本体上粘贴的标签与正品不一致

### (1) 大量查扣产品的标签粘贴位置不一致 五花八门

H3C 正品光模块本体上粘贴的条码标签、防伪标签有严格工艺规范要求, 由经过培训的工人在流水线上正规化生产, 故同型号光模块标签粘贴位置是一致的。同时, H3C 光模块标签是一次性有效的, 揭开即破损失效, 即黏贴后是不可被完整揭离光模块本体后重新完整黏贴到其他位置。

而扣押产品的标签粘贴位置不一致, 且粘贴不规整, 粘贴在各种不同位置的情形均有, 详见下图:

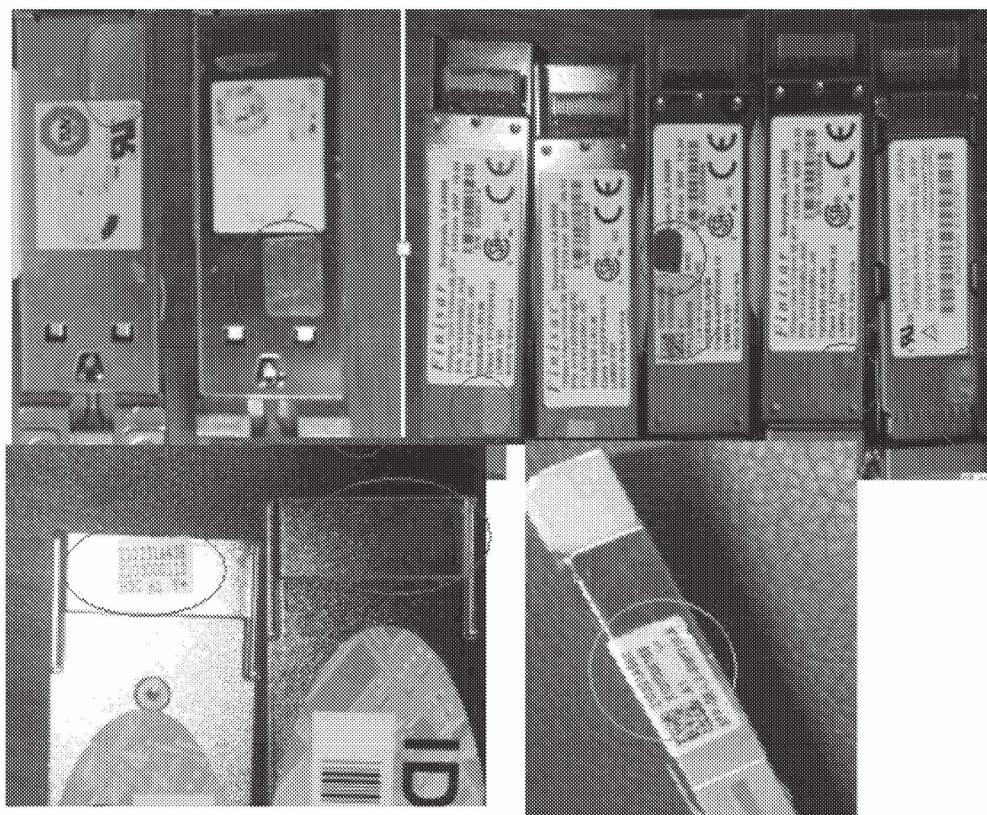


图 (6) 扣押产品上标签粘贴位置凌乱

从标签(含防伪标签)粘贴情况可以判断, 这些光模块是由不熟悉华三技术工艺、不具备生产技术要求的人员凭想象加工出来的。

### (2) 扣押产品防伪标签异常, 为假冒标签

H3C 正品的防伪标签色彩鲜艳, 可以从不同角度看出不同个数的圆点, 在防伪标签正中有“H3C”字样, 具体见下图:

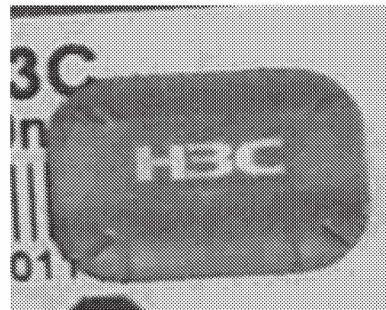


图 (7) 正品光模块防伪标签, H3C 居标签正中

而扣押产品的防伪标签存在诸多问题, 具体见下:

A)、部分 H3C 的 LOGO 被印成了“H.3C”(该类型假冒标签在 2012 年底北京警方查获的龙谷鸿图案中曾大量出现)。

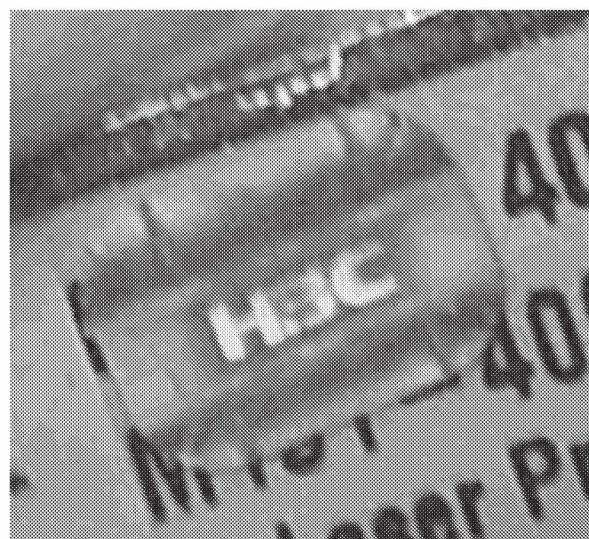


图 (8) H.3C 的防伪标签

B)、大量查扣产品的防伪标签表层轻易就“飞走”了, 即出现极易分层脱落的现象, 且色彩黯淡。具体见图示:

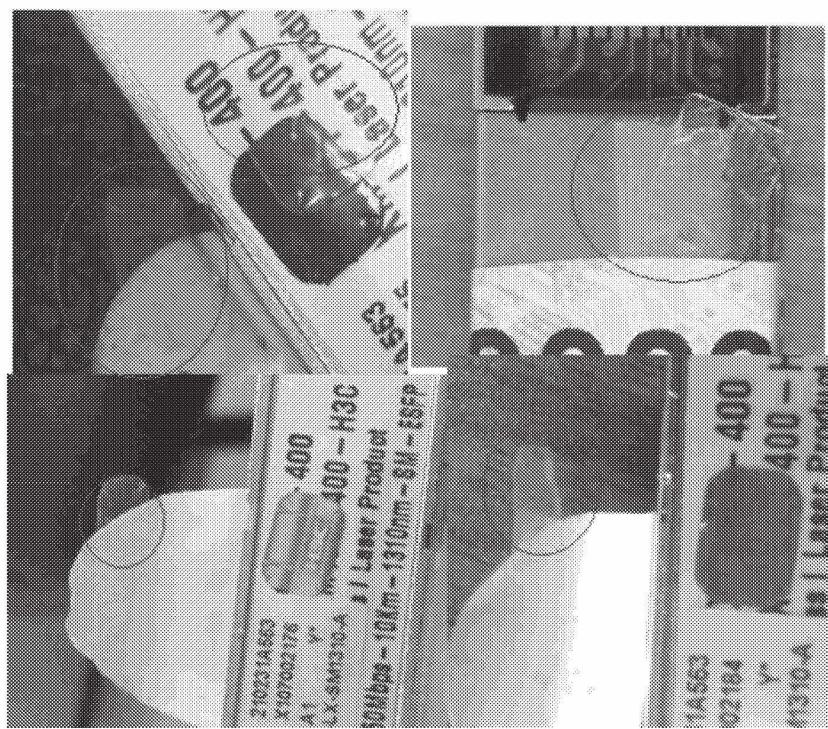


图 (9) 防伪标签表层“飞走”

C)、大量查扣产品防伪标签上的 H3C 字样印偏, 不在标签的中心位置。具体见图示:

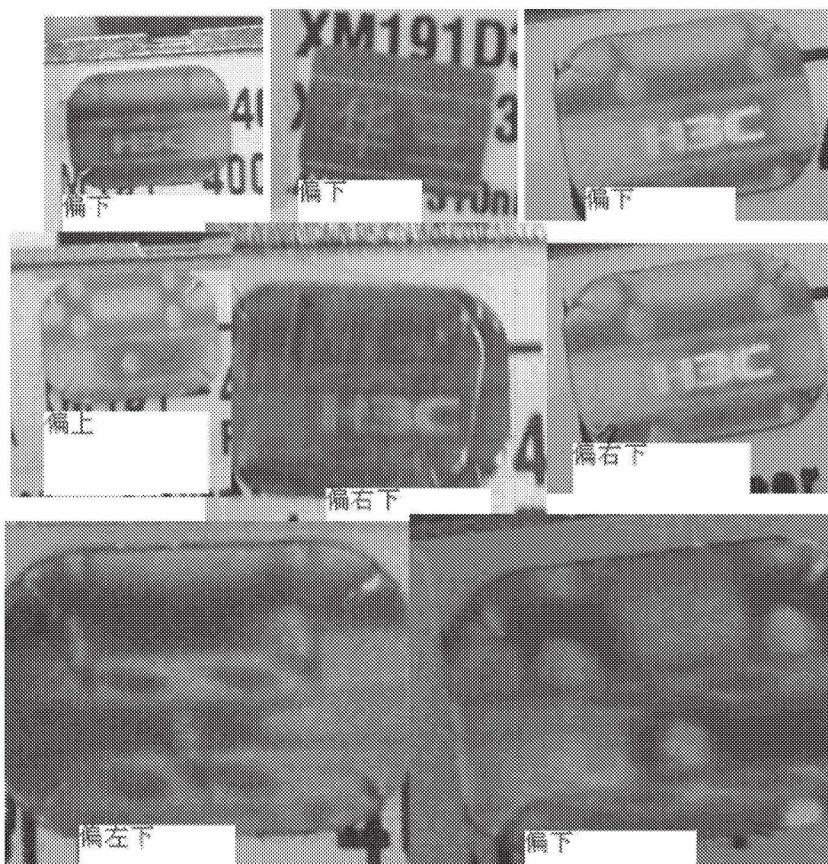


图 (10) 防伪标签中 H3C 不居中

在扣押的 700 余件光模块产品中，基本上所有的被扣押产品都存在以上一种或多种异常（与正品的不一致）现象。鉴定受时间所限，没有对以上各种异常数量的多少进行精确统计。但是，这并不影响对这批查扣产品的整体鉴定结论，即以上标签（含防伪标签）异常，足以说明被扣押的这些光模块至少大多数都确定是假冒 H3C 产品。

3、查扣产品没有与正品一致的《安装使用说明书》，查扣产品没有提供产品使用说明书。

#### 4、查扣产品存在其它影响产品性能的问题

1) 查扣产品中有部分在模块本体上写有“坏”的字样；



图 (11) 模块上写有“坏”的字样

2) 查扣产品中有部分光模块外壳脱落，并有不明厂家标贴标识，具体见图示：

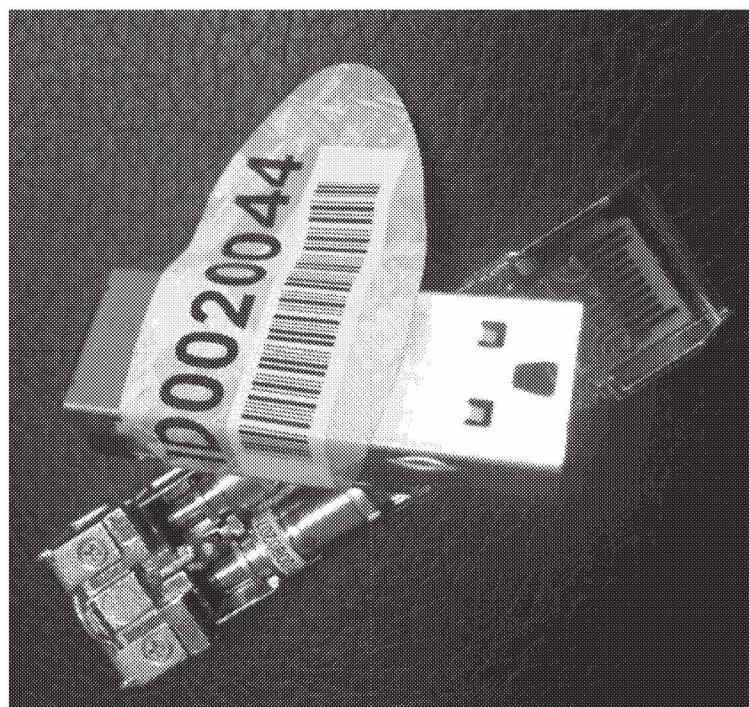


图 (12) 光模块外壳脱落，有不明厂家标贴标识

3) 查扣产品中有很多光模块外壳氧化生锈情况

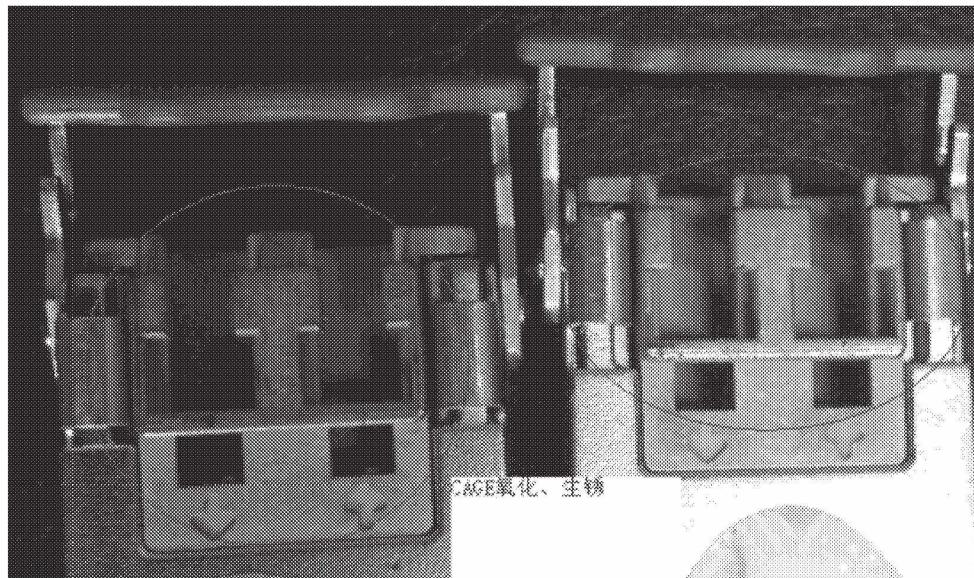


图 (13) 光模块外壳氧化、生锈

4)、查扣产品中有很多外壳上有不明污渍。该污渍可能是在设备更改时留下的印迹。

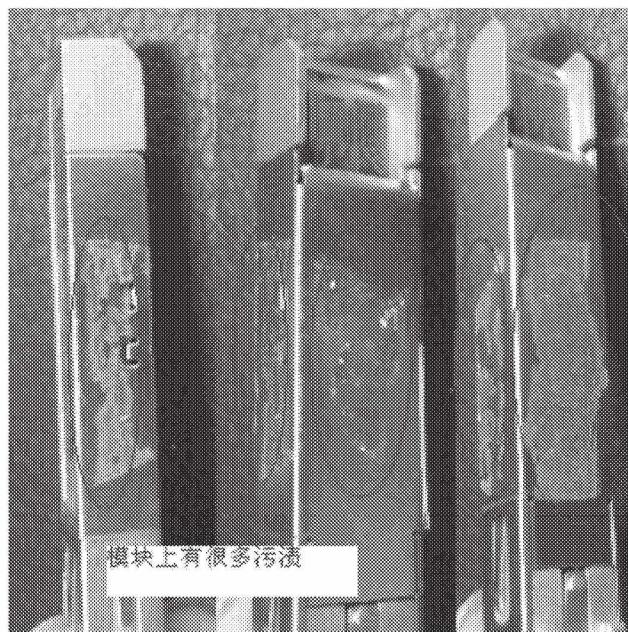


图 (14) 光模块上有污渍

### 三、特别说明：

鉴定时受现场临时搭建交换机网络测试环境等硬件条件限制，因此未对其电性能进行进一步的测试。从大量被鉴定物的物理特征来判定，可以认定该批扣押产品外观各异，存在很多作假痕迹，这种明显假冒的物品上电检测没有实

际意义。因此，我们未对该批扣押产品的电性能作进一步鉴定。

光模块上电检测的目的有两条：第一，检验电性能是否合格；第二，查看内存中写入的产品特征字段。

1、市面上同类光模块还有不少，其中大多数光模块（甚至包括部分假冒H3C品牌的光模块）都可以通过电性能检测。电性能是否能通过检测，与产品是否假冒商标之间没有必然联系。就如同假冒品牌的电视机可能照样可以收看电视节目一样。

2、在理论上、在打假实践中都证明：光模块内存中的产品特征字段是可能被造假者通过类似黑客的手法改写的。并且软件特点决定了这种改写是不会留下痕迹的，不像标签造假那样总能有细微的差别被看出来。

鉴于以上两点，上电检测不能作为判断产品是真品的条件。故上电检测实际上是没有意义的。

#### 四、该批扣押产品存在严重商标侵权并可能导致恶劣社会影响

这批扣押产品存在明显的商标侵权，并且从根本上无法保障其品质功能，流落到社会上必将严重侵害消费者利益、侵犯华三知识产权，更有甚者，可能给国家、社会、经济建设造成不可估量的后果、损失。

1、从社会层面上看：

光模块产品作为网络通信设备之间的“关口”，起着光电信号转换的重要作用，被称为信息高速公路的枢纽。光模块如果性能不合格、或者性能不稳定一旦损坏，对网络设备的直接影响是造成大面积设备通信故障（亦称：关口不通）。被扣押产品中包含有大量万兆级别的光模块，这类光模块一般用于大型网络骨干线路建设，如国家三金工程、城市高铁项目、航空项目、金融系统、高等教育系统等。如果使用了没有品质保障的假冒光模块受损，将引起骨干网络的通信中断。如遇特殊时期（如自然灾害、突发性事件处理等），这种损坏将造成重大损失，带来恶劣的社会影响，破坏社会稳定，其后果将无法估量。

2、从企业经营层面上看：

在网络时代，这种因为使用了假冒光模块而引发的网络瘫痪，造成

客户财务信息丢失、重要科研成果和客户信息丢失，对客户经营造成重大损失，同时也将给 H3C 带来重大经济损失，对 H3C 品牌信誉造成重大损害，这种损害远远高出假冒模块的市场价格。